

JS 44 (Rev. 10/20)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS**JAMES EVERETT SHELTON****(b) County of Residence of First Listed Plaintiff** **MONTGOMERY**
(EXCEPT IN U.S. PLAINTIFF CASES)**(c) Attorneys (Firm Name, Address, and Telephone Number)**James Everett Shelton, Plaintiff Pro Se, 316 Covered
Bridge Road, King of Prussia, PA 19406, 484-626-3942**DEFENDANTS****BIZLENDER LLC****County of Residence of First Listed Defendant** **BUCKS**
(IN U.S. PLAINTIFF CASES ONLY)NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

Unknown

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question
(U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity
(Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 880 Defend Trade Secrets Act of 2016 SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692) <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input checked="" type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation - Transfer
- ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTIONCite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
47 U.S.C. 227 et. seqBrief description of cause:
Violations of the TCPA**VII. REQUESTED IN COMPLAINT:**☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.**DEMAND \$**
24,000.00CHECK YES only if demanded in complaint:
JURY DEMAND: ☒ Yes ☐ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE

04/08/2022

SIGNATURE OF ATTORNEY OF RECORD

James E. Shelton

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44**Authority For Civil Cover Sheet**

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
 - (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
 - (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
- United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.
- United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
- Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
- Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. Origin.** Place an "X" in one of the seven boxes.
- Original Proceedings. (1) Cases which originate in the United States district courts.
- Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441.
- Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
- Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
- Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
- Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
- Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.
- PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7.** Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service.
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
- Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
- Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CASE MANAGEMENT TRACK DESIGNATION FORM

JAMES EVERETT SHELTON

CIVIL ACTION

v.

BIZLENDER LLC

NO.

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:

- (a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255. ()
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ()
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ()
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ()
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ()
- (f) Standard Management – Cases that do not fall into any one of the other tracks. (X)

04/08/2022

Date

James E. Shelton
Attorney-at-law

Pro Se

Attorney for

484-626-3942

Telephone

FAX Number

jeshelton595@gmail.com

E-Mail Address

**Civil Justice Expense and Delay Reduction Plan
Section 1:03 - Assignment to a Management Track**

- (a) The clerk of court will assign cases to tracks (a) through (d) based on the initial pleading.
- (b) In all cases not appropriate for assignment by the clerk of court to tracks (a) through (d), the plaintiff shall submit to the clerk of court and serve with the complaint on all defendants a case management track designation form specifying that the plaintiff believes the case requires Standard Management or Special Management. In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a case management track designation form specifying the track to which that defendant believes the case should be assigned.
- (c) The court may, on its own initiative or upon the request of any party, change the track assignment of any case at any time.
- (d) Nothing in this Plan is intended to abrogate or limit a judicial officer's authority in any case pending before that judicial officer, to direct pretrial and trial proceedings that are more stringent than those of the Plan and that are designed to accomplish cost and delay reduction.
- (e) Nothing in this Plan is intended to supersede Local Civil Rules 40.1 and 72.1, or the procedure for random assignment of Habeas Corpus and Social Security cases referred to magistrate judges of the court.

**SPECIAL MANAGEMENT CASE ASSIGNMENTS
(See §1.02 (e) Management Track Definitions of the
Civil Justice Expense and Delay Reduction Plan)**

Special Management cases will usually include that class of cases commonly referred to as "complex litigation" as that term has been used in the Manuals for Complex Litigation. The first manual was prepared in 1969 and the Manual for Complex Litigation Second, MCL 2d was prepared in 1985. This term is intended to include cases that present unusual problems and require extraordinary treatment. See §0.1 of the first manual. Cases may require special or intense management by the court due to one or more of the following factors: (1) large number of parties; (2) large number of claims or defenses; (3) complex factual issues; (4) large volume of evidence; (5) problems locating or preserving evidence; (6) extensive discovery; (7) exceptionally long time needed to prepare for disposition; (8) decision needed within an exceptionally short time; and (9) need to decide preliminary issues before final disposition. It may include two or more related cases. Complex litigation typically includes such cases as antitrust cases; cases involving a large number of parties or an unincorporated association of large membership; cases involving requests for injunctive relief affecting the operation of large business entities; patent cases; copyright and trademark cases; common disaster cases such as those arising from aircraft crashes or marine disasters; actions brought by individual stockholders; stockholder's derivative and stockholder's representative actions; class actions or potential class actions; and other civil (and criminal) cases involving unusual multiplicity or complexity of factual issues. See §0.22 of the first Manual for Complex Litigation and Manual for Complex Litigation Second, Chapter 33.

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

DESIGNATION FORM

(to be used by counsel or pro se plaintiff to indicate the category of the case for the purpose of assignment to the appropriate calendar)

Address of Plaintiff: 316 Covered Bridge Road, King of Prussia, PA 19406
 Address of Defendant: 3220 Tillman Drive Suite 200, Bensalem, PA 19020
 Place of Accident, Incident or Transaction: By phone call to Plaintiff's phone in King of Prussia, Pennsylvania

RELATED CASE, IF ANY:

Case Number: _____ Judge: _____ Date Terminated: _____

Civil cases are deemed related when **Yes** is answered to any of the following questions:

- | | | |
|--|------------------------------|--|
| 1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action of this court? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |

I certify that, to my knowledge, the within case ☐ is / ☒ is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 04/08/2022

James E. Shelton
 Must sign here
 Attorney-at-Law / Pro Se Plaintiff

Pro Se

Attorney I.D. # (if applicable)

CIVIL: (Place a ✓ in one category only)

A. Federal Question Cases:

- ☐ 1. Indemnity Contract, Marine Contract, and All Other Contracts
- ☐ 2. FEHA
- ☐ 3. Jones Act-Personal Injury
- ☐ 4. Antitrust
- ☐ 5. Patent
- ☐ 6. Labor-Management Relations
- ☐ 7. Civil Rights
- ☐ 8. Habeas Corpus
- ☐ 9. Securities Act(s) Cases
- ☐ 10. Social Security Review Cases
- ☒ 11. All other Federal Question Cases

(Please specify): TCPA, 47 U.S.C. 227

B. Diversity Jurisdiction Cases:

- ☐ 1. Insurance Contract and Other Contracts
- ☐ 2. Airplane Personal Injury
- ☐ 3. Assault, Defamation
- ☐ 4. Marine Personal Injury
- ☐ 5. Motor Vehicle Personal Injury
- ☐ 6. Other Personal Injury (Please specify): _____
- ☐ 7. Products Liability
- ☐ 8. Products Liability - Asbestos
- ☐ 9. All other Diversity Cases

(Please specify): _____

ARBITRATION CERTIFICATION

(The effect of this certification is to remove the case from eligibility for arbitration.)

I, James Everett Shelton, counsel of record or pro se plaintiff, do hereby certify:

☐ Pursuant to Local Civil Rule 53.2, § 3(c) (2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs:

☒ Relief other than monetary damages is sought.

DATE: 04/08/2022

James E. Shelton
 Sign here if applicable
 Attorney-at-Law / Pro Se Plaintiff

Pro Se

Attorney I.D. # (if applicable)

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

James Everett Shelton
316 Covered Bridge Road
King of Prussia, PA 19406
(484) 626-3942
jeshelton595@gmail.com

Plaintiff, Pro Se

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

JAMES EVERETT SHELTON
316 Covered Bridge Road
King of Prussia, PA 19406
Plaintiff

v.

BIZLENDER LLC
3220 Tillman Drive, Suite 200
Bensalem, PA 19020
Defendant

No. _____

COMPLAINT:

Plaintiff, James Everett Shelton, brings this action against Defendant BIZLENDER LLC, and alleges based on personal knowledge and information, and belief, as follows:

Preliminary Statement

1. Plaintiff James Everett Shelton ("Plaintiff") brings this action under the Telephone Consumer Protection Act ("TCPA"), 47 U.S.C. § 227, alleging that BIZLENDER LLC sent a series of telemarketing calls for the purposes of commercial solicitation by contacting Plaintiff's cellular telephone number listed on the National Do-Not-Call Registry, which is prohibited by the TCPA.
2. Plaintiff never consented to receive any of these calls, which were placed to him for telemarketing purposes.

Parties

3. The Plaintiff is JAMES EVERETT SHELTON ("Plaintiff"), a natural person, and resides in King of Prussia, PA 19406, and is a citizen of the Commonwealth of Pennsylvania, and was the individual who received the alleged phone calls in this case on his private mobile telephone, and was a resident of Montgomery County, Pennsylvania during the calls.

4. Defendant BIZLENDER LLC ("BizLender") is a limited liability company organized and existing under the laws of the State of Delaware, and is registered in the Commonwealth of Pennsylvania as a foreign limited liability company. BizLender maintains its principal place of business and headquarters in the Eastern District of Pennsylvania, with an address of 3220 Tillman Drive, Suite 200, Bensalem, PA 19020.

5. Defendant markets and sells, *inter alia*, loans and business financing to people in Pennsylvania, and engages in telemarketing in this district, as it did with the Plaintiff.

Jurisdiction & Venue

6. This Court has federal-question subject matter jurisdiction over Plaintiff's TCPA claims pursuant to 28 U.S.C. § 1331 because the TCPA is a federal statute. *Mims v. Arrow Fin. Servs., LLC*, 556 U.S. 368, 372 (2012).

7. This Court has personal and general jurisdiction over the Defendant because they have repeatedly placed telemarketing calls to Pennsylvania residents with Pennsylvania telephone area codes, and derive revenue from Pennsylvania residents, and they sell goods and services to Pennsylvania residents, including the Plaintiff. The Defendant maintains its principal place of business and headquarters in Bucks County, Pennsylvania and is therefore "at home" in this judicial district.

8. Venue is proper in this court pursuant to 28 U.S.C. § 1391(b)(1)-(2) in that Defendant conducts business in, and a substantial part of the events giving rise to Plaintiff's claims occurred

in Montgomery County, Pennsylvania, and Plaintiff was residing in the Eastern District of Pennsylvania (in King of Prussia, PA) during all of the calls made by Defendant as alleged in this action. Defendant maintains its headquarters and principal place of business in Bucks County, Pennsylvania and conducts business in this judicial district by calling Pennsylvania citizens.

Statutory Background

The Telephone Consumer Protection Act

9. In 1991, Congress enacted the TCPA to regulate the explosive growth of the telemarketing industry. In so doing, Congress recognized that "[u]nrestricted telemarketing ... can be an intrusive invasion of privacy[.]" Telephone Consumer Protection Act of 1991, Pub. L. No. 102-243, § 2(5) (1991) (codified at 47 U.S.C. § 227).

The National Do-Not-Call Registry

10. The National Do Not Call Registry allows consumers to register their telephone numbers and thereby indicate their desire not to receive telephone solicitations at those numbers. See 47 C.F.R. § 64.1200(c)(2). A listing on the Registry "must be honored indefinitely, or until the registration is cancelled by the consumer or the telephone number is removed by the database administrator." *Id.*

11. The TCPA and implementing regulations prohibit the initiation of telephone solicitations to residential telephone subscribers to the Registry. 47 U.S.C. § 227(c); 47 C.F.R. § 64.1200(c)(2).

12. The TCPA provides a private cause of action to persons who receive calls in violation of § 227(c) or a regulation promulgated thereunder. 47 U.S.C. § 227(c)(5).

13. A text message is considered a "call" under the TCPA. *Campbell-Ewald Co. v. Gomez*, 136 S. Ct. 663 (2016).

Factual Allegations

14. BizLender provides loans to companies.
15. BizLender telemarketing efforts include calling telephone numbers that are registered on the National Do-Not-Call Registry.
16. In 2017, Defendant was sued in the United States District Court for the Northern District of California for allegedly violating the TCPA in a lawsuit captioned *Abante Rooter and Plumbing Inc v. BizLender LLC*, Case No. 3:17-cv-06863-MMC (N.D. Cal., Nov. 29, 2017). The docket reflects that this action was settled in early 2019.
17. At all times relevant hereto, Plaintiff maintained and used a cellular telephone line, with phone number (484) 626-3942.
18. At all times material hereto, Plaintiff was the subscriber of the telephone number (484) 626-3942 and paid his cell phone bill through T-Mobile.
19. Plaintiff's phone number is his private cell phone number and is used by Plaintiff solely.
20. At all times material hereto, Plaintiff's phone number was registered with T-Mobile as his personal telephone number and not as a business number.
21. Plaintiff's personal cellular telephone number is a "residential" telephone number that he uses for various personal, family, and household purposes, such as sending and receiving emails, timing food when cooking, sending and receiving text messages, calling friends and family while at home, using the phone's alarm function to wake up in the morning, and for navigation purposes.
22. Plaintiff's personal cellular telephone number (484) 626-3942 has been registered on the National Do-Not-Call Registry since June 26, 2015.

23. Plaintiff registered his phone number on the Do Not Call list in order to obtain solitude from invasive and harassing telemarketing calls and text messages. The calls prevented Plaintiff from using his phone for legitimate purposes.

24. The Plaintiff has received at least fourteen (14) telemarketing calls between February 10, 2022 and April 5, 2022 to his personal cell phone number 484-626-3942, without his prior express written consent and not related to an emergency purpose, promoting working capital and/or financing services from Defendant BizLender.

25. **Call 1:** On February 10, 2022 at 4:07 PM, the Plaintiff received a telemarketing call from phone number (215) 645-4899.

26. The Plaintiff answered and was connected with “Mark Snyder” from BizLender.

27. Upon learning that it was a telemarketer calling, the Plaintiff told Mr. Snyder he was busy and hung up the phone after approximately 14 seconds, without giving Defendant’s agent permission to call back in the future.

28. **Call 2 (text message):** On February 10, 2022 at 4:12 PM, Plaintiff received a text message from phone number (215) 309-4434.

29. The text message read: *“Hi James. We are ready to formulate some funding options for your business.”*

30. **Call 3 (text message):** On February 10, 2022 at 4:12 PM, Plaintiff received a text message from phone number (215) 309-4434, which read: *“Please send me business checking statements from November, December, January and our Docusign application”.*

31. **Call 4 (text message):** On February 10, 2022 at 4:12 PM, Plaintiff received a text message from phone number (215) 309-4434 which read: *“Looking forward to talking with you soon. Sincerely, Mark.snyder@bizlender.com, (201-547-1802)”.*

32. A true and correct screenshot from Plaintiff's phone showing these text messages is attached as Exhibit "1".

33. **Call 5:** On February 10, 2022 at 5:10 PM, Plaintiff received a telemarketing call from phone number (215) 645-4899.

34. Upon answering, Plaintiff received a scripted sales pitch about business funding from "Mark Snyder" who is a "Sr Funding Specialist" with BizLender.

35. In order to confirm the caller's identity and his company's information, the Plaintiff feigned interest in Defendant's telemarketing pitch, and asked Mr. Snyder to send Plaintiff an e-mail, but Plaintiff did not consent to receive any calls back in the future.

36. As a direct result of the telemarketing call, Mark Snyder, Mark.snyder@bizlender.com, contacted the Plaintiff by e-mail during the phone call at 5:16 attempting to get the Plaintiff to purchase BizLender's loan services. *See* Exhibit "2", a true and correct copy of said e-mail.

37. **First DNC Request:** Approximately two (2) minutes after the telemarketing call ended, Plaintiff wrote to Defendant via e-mail to Mark.snyder@bizlender.com sent at 5:24 PM, telling Defendant "Please don't call again thanks."

38. Approximately five (5) minutes later, Mr. Snyder e-mailed Plaintiff back "*Ok, no problem. If you change your mind just give us a call thanks!!*"

39. On February 11, 2022 at 10:38 AM, Plaintiff wrote to Defendant via e-mail asking for evidence of his purported consent to receive telemarketing calls from Defendant. Plaintiff also requested that Defendant immediately place his phone number on Defendant's Do-Not-Call list and provide Plaintiff with a copy of Defendant's Do-Not-Call policy, telling Defendant "***Before I proceed with a formal claim, I wanted to give your company the opportunity to explain its actions.***"

40. The Defendant's agent Mr. Snyder wrote back at 11:09 AM: "Good Morning Jamie, We apologize for the inconvenience, right now you are on the DO NOT CALL list. Have a great weekend!!"

41. Plaintiff then sent one final e-mail to Defendant at 11:13 AM advising that he intended to initiate litigation against Defendant for the phone calls.

42. True and correct copies of this e-mail exchange between Mr. Shelton and Mr. Snyder are attached as Exhibit "3".

43. Defendant was therefore on full notice that Plaintiff did not want to receive their sales calls.

44. Defendant and its agents, however, continued placing sales calls to Plaintiff's personal cell phone number, which they knew they did not have consent to continue doing.

45. **Call 6:** On March 11, 2022 at 9:38 AM, Plaintiff received a missed call which went to Plaintiff's voicemail from phone number (215) 645-4899.

46. **Call 7:** On March 15, 2022 at 5:37 PM, Plaintiff received a sales call from phone number (215) 645-4899.

47. Plaintiff answered, and was connected with a representative from BizLender, who then attempted to sell BizLender's loan services to the Plaintiff.

48. Plaintiff hung up the phone without giving Defendant permission to call back.

49. **Call 8:** On March 30, 2022 at 5:29 PM, Plaintiff received a telemarketing call from phone number (215) 645-4899.

50. Plaintiff answered and spoke to "Andrew White" with BizLender, who attempted to sell BizLender's loan services to the Plaintiff.

51. Plaintiff did not give Defendant's agent permission to call back in the future.

- 52.** As a direct result of the telemarketing call, Plaintiff received an e-mail at 5:35 PM from “Andrew White”, andrew.white@bizlender.com. A true and correct copy of this e-mail is attached as Exhibit “4”.
- 53. Calls 9-10:** On March 31, 2022 at 2:45 PM and 4:03 PM, respectively, Plaintiff received missed calls from phone number (215) 645-4899.
- 54.** Plaintiff avers that these calls were made for the purposes of commercial solicitation (in this case, attempting to get the Plaintiff to purchase BizLender’s loan services).
- 55. Call 11:** On April 4, 2022 at 5:29 PM, Plaintiff received a telemarketing call from phone number (215) 645-4899.
- 56.** Upon answering, Plaintiff received a scripted sales pitch from Andrew White, a senior funding specialist with BizLender.
- 57. DNC Request:** Plaintiff told Mr. White that he did not want to receive any additional calls.
- 58. Calls 12-13:** On April 5, 2022 at 11:55 AM and 1:08 PM, respectively, Plaintiff received missed sales calls from phone number (215) 645-4899, which were both made by Defendant and/or Defendant’s agents.
- 59. Call 14:** On April 5, 2022 at 3:40 PM, Plaintiff received a telemarketing call from phone number (215) 645-4899.
- 60. DNC Request:** Plaintiff answered, and then interrupted Defendant’s sales pitch regarding business funding, telling BizLender’s representative to stop calling him.
- 61.** These calls were all made for the purposes of advertising Defendant’s loan and/or financial services to the Plaintiff.

62. The following is a table detailing the telemarketing calls sent by Defendant to the Plaintiff's personal cell phone number:

Call Number:	Date:	Time	Caller ID:	Notes
1	2/10/2022	4:08 PM	(215) 645-4899	Call lasted 14 seconds.
2	2/10/2022	4:12 PM	(215) 309-4434	Text Message: "Hi James. We are ready to formulate some funding options for your business."
3	2/10/2022	4:12 PM	(215) 309-4434	Text Message: "Please send me business checking statements from November, December, January and our Docusign application"
4	2/10/2022	4:12 PM	(215) 309-4434	Text Message: "Looking forward to talking with you soon. Sincerely, Mark.snyder@bizlender.com , (201-547-1802)"
5	02/10/2022	5:10 PM	(215) 645-4899	Telemarketing call, spoke with Mark Snyder from BizLender for 12 minutes. Received e-mail at 5:19 PM with DocuSign link.
DNC Request	2/10/2022	5:24 PM	DNC Email	Emailed a Do Not Call request to Mark Snyder. He responded at 5:29 PM.
6	3/11/2022	9:38 AM	(215) 645-4899	Missed Call and voicemail with no actual message left, just background noise from an office/typing on a keyboard.
7	3/15/2022	5:37 PM	(215) 645-4899	Incoming call lasted 1 minute
8	3/30/2022	5:29 PM	(215) 645-4899	Telemarketing call, lasted 8 minutes. Spoke to "Andrew White". Received e-mail at 5:35 PM.
9	3/31/2022	2:45 PM	(215) 645-4899	Missed Call

10	3/31/2022	4:03 PM	(215) 645-4899	Missed Call
11	4/4/2022	5:29 PM	(215) 645-4899	Incoming call – lasted 2 minutes. Received e-mail from Andrew White from Bizlender at 5:35 PM.
12	4/5/2022	11:55 AM	(215) 645-4899	Missed Call
13	4/5/2022	1:08 PM	(215) 645-4899	Missed Call
14	4/5/2022	3:40 PM	(215) 645-4899	Lasted 25 seconds. Made DNC Request.

63. Plaintiff did not want or need a loan or any financing.

Defendant Called Plaintiff without Consent; No Prior Existing Business Relationship

64. Defendant did not have the Plaintiff's prior express written consent to make any of these telemarketing calls.

65. Prior to these unsolicited telephone communications, the Plaintiff has never done any business with Defendant and Plaintiff never provided Defendant with his cellular telephone number.

66. Plaintiff never submitted an application for financing with Defendant or any of its agents or vendors.

67. Plaintiff has never directed anyone to submit any application for financing on his behalf with Defendant or any of its agents or vendors.

68. Plaintiff never "opted-in" to receive telephone communications from Defendant or its agents/vendors.

69. To the extent Defendant contends that they obtained consent or agreement from Plaintiff for the calls at issue here, the Telemarketing Sales Rule, 16 C.F.R. § 310.5(a)(5), requires that such records be maintained. In any event, consent is an affirmative defense under the TCPA, this defense is unavailable unless Defendant can show that they had prior express consent in writing,

and that they have otherwise complied with all of the requirements of 47 C.F.R. § 64.1200(c)(2), including maintaining written procedures on national do-not-call rules, training personnel on national do-not-call rules, maintaining an internal do-not-call list, and accessing the national do-not-call database no more than 31 days prior to making any calls, and maintaining records documenting such access. Defendant did not have prior express written consent to such calls from Plaintiff.

70. Defendant failed to provide a response of any kind or provide evidence of any purported consent by Plaintiff to receive their calls, when asked in an e-mail on February 11, 2022.

71. Plaintiff pays for each incoming and outgoing call on his telephone under an unlimited calling arrangement, as defined and set forth in 47 CFR § 64.1200(a)(1)(iii).

72. Plaintiff received the calls on his private mobile telephone, as defined and set forth in 47 CFR § 64.1200(a)(1)(iii). Plaintiff's telephone number is registered with T-Mobile as a cellular telephone number and is used for personal purposes.

73. These telephone solicitations constituted "calls" under the TCPA that were not for emergency purposes.

74. Defendant is not an organization exempt from the TCPA.

75. Defendant's calls to Plaintiff were "telephone solicitations" as defined by the TCPA.

76. Defendant's calls to Plaintiff were "unsolicited advertisements" as defined by the TCPA.

77. Plaintiff was harmed by these calls. Plaintiff was temporarily deprived of legitimate use of his phone because of the call/text notifications, and his privacy was improperly invaded.

Moreover, these calls injured Plaintiff because they were frustrating, obnoxious, annoying, were a nuisance and disturbed the solitude of plaintiff. The calls caused Plaintiff's cell phone battery's

depletion, used up cellular data, and prevented Plaintiff from otherwise using his telephone for lawful purposes.

78. In summary, Plaintiff received fourteen (14) telemarketing calls from Defendant, to Plaintiff's personal and residential cell phone number which is registered on the National Do-Not-Call list.

Defendant Failed and/or Refused to Place Plaintiff's Number on Defendant's DNC List and Failed to Provide a DNC Policy

79. Pursuant to 47 CFR § 64.1200(d)(3), a telemarketer is required, upon request, to honor "Do-Not-Call" requests from residential telephone subscribers.

80. Plaintiff made a "Do-Not-Call request to Defendant in writing in an e-mail dated February 10, 2022, which Defendant received.

81. Defendant and/or Defendant's agents persisted in placing telemarketing calls to the Plaintiff when they knew full well that Plaintiff did not want to receive their calls, and that he was not interested in their products or services.

82. Upon information and belief, Defendant does not maintain an internal company "Do-Not-Call list" where DNC requests from consumers are recorded and honored.

83. Upon information and belief, Defendant or Defendant's agents contacted Plaintiff at least nine (9) times without having implemented "Do-Not-Call" policies and procedures to avoid calling people who ask not to receive Defendant's calls.

84. Plaintiff requested a copy of Defendant's "Do-Not-Call Policy" in an e-mail sent to Defendant on February 10, 2022.

85. Defendant failed and/or refused to provide a copy of their Do-Not-Call compliance policy to Plaintiff.

86. Plaintiff avers that this is because Defendant does not have any DNC policies or procedures in place.

First Cause of Action

(Negligent Violation of the TCPA “Sales Call/DNC” Prohibition, 47 U.S.C. § 227(c) et seq.)

87. Plaintiff incorporates and realleges, as though fully set forth herein, each of the paragraphs above.

88. Defendant called Plaintiff’s private residential telephone number which was successfully registered on the National Do-Not-Call Registry more than thirty-one (31) days prior to the calls, for the purposes of commercial solicitation, in violation of 47 U.S.C. § 227(c)(3)(F), and 47 C.F.R. § 64.1200(c)(2).

89. Plaintiff was statutorily damaged at least fourteen (14) times under 47 U.S.C. § 227(c)(3)(F) by the Defendant by the telemarketing calls described above, in the amount of \$500.00 per call.

90. As a result of Defendant’s and Defendant’s agents’ violations of 47 U.S.C. § 227(c)(3)(F), and 47 C.F.R. § 64.1200(c)(2), Plaintiff seeks for himself \$500 in statutory damages for each and every violation, pursuant to 47 U.S.C. § 227(c)(3)(F).

91. Pursuant to 47 U.S.C. § 227(c)(5)(A), Plaintiff seeks injunctive relief prohibiting such conduct in the future.

Second Cause of Action

(Knowing and/or Willful Violation of the TCPA
“Sales Call/DNC” Prohibition, 47 U.S.C. § 227 et seq.)

92. Plaintiff incorporates and realleges, as though fully set forth herein, each of the paragraphs above.

93. Defendant called Plaintiff’s private residential telephone number which was successfully registered on the National Do-Not-Call Registry more than thirty-one (31) days prior to the calls,

for the purposes of commercial solicitation, in violation of 47 U.S.C. § 227(c)(3)(F), and 47 C.F.R. § 64.1200(c)(2).

94. Plaintiff was statutorily damaged at least fourteen (14) times under 47 U.S.C. § 227(c)(3)(F) by the Defendants by the telemarketing calls described above, in the amount of \$500.00 per call.

95. As a result of Defendant's and Defendant's agents' knowing and/or willful violations of 47 U.S.C. § 227(c)(3)(F), and 47 C.F.R. 64.1200(c)(2), Plaintiff seeks for himself treble damages, as provided by statute, up to \$1,500.00 for each and every violation, pursuant to 47 U.S.C. § 227(c)(5).

Third Cause of Action:

(Negligent Violation of the TCPA's Implementing Regulations,
"Do Not Call List" Requirement, 47 C.F.R. 64.1200(d)(3))

96. Plaintiff incorporates and realleges, as though fully set forth herein, each of the paragraphs above.

97. Defendant failed and/or refused to honor and record Plaintiff's Do-Not-Call requests.

98. Defendant failed and/or refused to put Plaintiff's telephone number on Defendant's internal Do-Not-Call list after a written Do-Not-Call request e-mailed to Defendant on February 10, 2022.

99. Defendant continued calling Plaintiff nine (9) additional times after Plaintiff's DNC request.

100. As a result of Defendant's and Defendant's agents' negligent violations of 47 CFR § 64.1200(d)(3), Plaintiff seeks for himself \$500.00 in statutory damages, pursuant to the implied private right of action.

Fourth Cause of Action:

(Knowing and/or Willful Violation of the TCPA's Implementing Regulations,

“Do Not Call List” Requirement, 47 C.F.R. 64.1200(d)(3)

101. Plaintiff incorporates and realleges, as though fully set forth herein, each of the paragraphs above.

102. Defendant failed and/or refused to honor and record Plaintiff’s Do-Not-Call requests.

103. Defendant failed and/or refused to put Plaintiff’s telephone number on Defendant’s internal Do-Not-Call list after a written Do-Not-Call request e-mailed to Defendant on February 10, 2022.

104. Defendant continued calling Plaintiff nine (9) additional times after Plaintiff’s DNC request.

105. As a result of Defendant’s and Defendant’s agents’ knowing and/or willful violations of 47 CFR § 64.1200(d)(3), Plaintiff seeks for himself \$1,500.00 in statutory damages, pursuant to the implied private right of action.

Fifth Cause of Action:

**(Knowing and/or Willful Violation of the TCPA’s Implementing Regulations,
“Failure to Provide Defendant’s Do Not Call Policy”, 47 C.F.R. 64.1200(d)(1))**

106. Plaintiff incorporates and realleges, as though fully set forth herein, each of the paragraphs above.

107. At all times material hereto, Defendant did not maintain an internal company “Do-Not-Call policy”.

108. Defendant did not have a Do-Not-Call policy available for consumers, upon request.

109. Plaintiff requested a copy of Defendant’s Do-Not-Call Policy, but Defendant failed and/or refused to provide it to Plaintiff.

110. As a result of Defendant’s and Defendant’s agents’ knowing and/or willful violations of 47 CFR § 64.1200(d)(1), Plaintiff seeks for himself \$500.00 in statutory damages, pursuant to the implied private right of action.

Sixth Cause of Action:

(Knowing and/or Willful Violation of the TCPA's Implementing Regulations, "Failure to Provide Defendant's Do Not Call Policy", 47 C.F.R. 64.1200(d)(1))

111. Plaintiff incorporates and realleges, as though fully set forth herein, each of the paragraphs above.

112. At all times material hereto, Defendant did not maintain an internal company "Do-Not-Call policy".

113. Defendant did not have a Do-Not-Call policy available for consumers, upon request.

114. Plaintiff requested a copy of Defendant's Do-Not-Call Policy, but Defendant failed and/or refused to provide it to Plaintiff.

115. As a result of Defendant's and Defendant's agents' knowing and/or willful violations of 47 CFR § 64.1200(d)(1), Plaintiff seeks for himself \$1,500.00 in statutory damages, pursuant to the implied private right of action.

WHEREFORE, Plaintiff prays for relief against Defendant, as follows:

I. Prayer for Relief

On Counts 1-6:

1. For awards of \$500 for each negligent violation as set forth in Counts 1-6.
 2. For awards of \$1,500 for each knowing and/or willful violation as set forth in Counts 1-6.
 3. Injunctive relief against Defendants, and each of them, to prevent future wrongdoing;
- Total statutory damages: **\$24,000.00** (Fourteen (14) counts of counts of "Sales call to a number registered on the National Do-Not-Call Registry", one (1) count of "Failure to Provide Do-Not-Call Policy" and one (1) county of "Failure to Put Plaintiff's Number on Defendant's Internal Do-Not-Call list", with treble damages for each.)

4. Prejudgment interest at the maximum legal rate;
5. Costs of suit herein incurred; and
6. All such other and further relief as the Court deems proper.

II. Demand for Jury Trial

Plaintiff hereby demands a trial by jury on all claims so triable.

Dated: April 8, 2022

James Everett Shelton
Plaintiff, Pro Se
316 Covered Bridge Road
King of Prussia, PA 19406
Phone: 484-626-3942
Jeshelton595@gmail.com

VERIFICATION

I, JAMES EVERETT SHELTON, Plaintiff, Pro Se, verify that the facts set forth in this complaint are true and correct to the best of my knowledge, information, and belief. I understand that the statements made herein are subject to the penalties of 18 PA. C.S. § 4904 related to unsworn falsification to authorities.

Dated: April 8, 2022

JAMES EVERETT SHELTON

EXHIBIT 1



Text Message
Thu, Feb 10, 4:12 PM

Hi James. We are ready to
formulate some funding options
for your business.

4:12 PM

Please send me business
checking statements from
November, December, January
and our Docusign Application

4:12 PM

Looking forward to talking with
you soon. Sincerely,
Mark.snyder@bizlender.com,
[\(201-547-1802\)](tel:201-547-1802)

4:12 PM

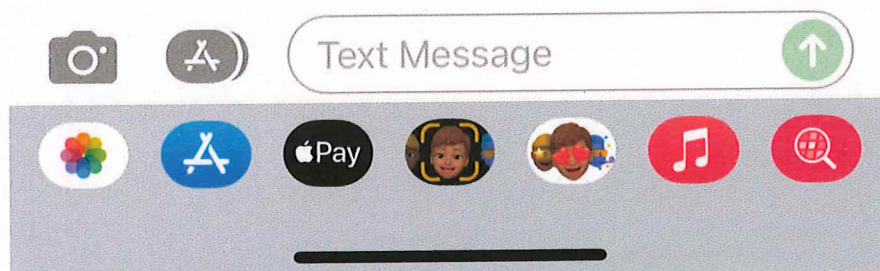


EXHIBIT 2



Jamie Shelton <jeshelton595@gmail.com>

Working Capital

2 messages

mark.snyder@bizlender.com <mark.snyder@bizlender.com>
Reply-To: mark.snyder@bizlender.com
To: jeshelton595@gmail.com

Thu, Feb 10, 2022 at 5:16 PM

Hi James,

I would like to follow up on our conversation and your funding inquiry.

I am still waiting for the following documents to set some funding options for your business:

- Last 3 months of Business Bank Statements
- Our 1-page Docusign (I will send it to you as soon as I receive the statements)

Please let me know if you have any questions,

Thank you,



Mark Snyder
Sr Funding Specialist, BizLender
(855) 433-8641 | Ext 750// Fax (267) 590-2641 //
| mark.snyder@bizlender.com
bizlender
3220 Tillman Drive Suite 200 | Bensalem, PA 19020



IMPORTANT: The contents of this email and any attachments are confidential. They are intended for the named recipient(s) only. If you have received this email by mistake, please notify the sender immediately and do not disclose the contents to anyone or make copies thereof.

Jamie Shelton <jeshelton595@gmail.com>
To: mark.snyder@bizlender.com

Thu, Feb 10, 2022 at 5:24 PM

Please don't call again thanks.

[Quoted text hidden]

EXHIBIT 3



Jamie Shelton <jeshelton595@gmail.com>

Working Capital

Jamie Shelton <jeshelton595@gmail.com>

Thu, Feb 10, 2022 at 5:24 PM

To: mark.snyder@bizlender.com

Please don't call again thanks.

[Quoted text hidden]



Jamie Shelton <jshelton595@gmail.com>
to mark.snyder ▾

Feb 10, 2022, 5:24 PM



Please don't call again thanks.



Mark Snyder <mark.snyder@bizlender.com>
to me ▾

Feb 10, 2022, 5:29 PM



Ok, no problem. If you change your mind just give us a call thanks!!



Sender notified by
[Mailtrack](#)



Mark Snyder
Sr Funding Specialist, BizLender
(855) 433-8641 | Ext 750 // Fax (267) 590-2641 //
mark.snyder@bizlender.com
www.bizlender.com
3220 Tillman Drive Suite 200 | Bensalem, PA 19020

Will do, thanks!

Will do, thank you.

Will do.



Jamie Shelton <jeshelton595@gmail.com>

Working Capital

Jamie Shelton <jeshelton595@gmail.com>
To: Mark Snyder <mark.snyder@bizlender.com>

Fri, Feb 11, 2022 at 10:38 AM

Dear Mr. Snyder,

My name is James Shelton. I write regarding a telemarketing concern of mine. Yesterday, February 10, 2022, I received at least two (2) phone calls and three (3) text messages to my personal cellular telephone number, (484) 626-3942 from your company.

I did not provide my consent to your company to make telemarketing calls to me. My telephone number, [484-626-3942](tel:484-626-3942), is on the National Do Not Call List and the Pennsylvania Do Not Call List. According to the Telephone Consumer Protection Act ("TCPA"), it is illegal to make telemarketing calls to someone on the Federal Do Not Call List without first obtaining the express consent of the recipient.

Please forward to my attention all documents that evidence any purported consent to receive telemarketing calls from your company. Additionally, please immediately place my number [484-626-3942](tel:484-626-3942) on your Do-Not-Call list and provide me with a copy of your Do-Not-Call policy. **Before I proceed with a formal claim, I wanted to give your company the opportunity to explain its actions.** Please forward this information to my attention by e-mail (jeshelton595@gmail.com) by February 18, 2022.

Sincerely,

James Everett Shelton

[Quoted text hidden]



Jamie Shelton <jeshelton595@gmail.com>

Working Capital

Mark Snyder <mark.snyder@bizlender.com>
To: Jamie Shelton <jeshelton595@gmail.com>

Fri, Feb 11, 2022 at 11:04 AM

Good Morning Jamie,

We apologize for the inconvenience, right now you are on the DO NOT CALL list. Have a great weekend!!



Sender notified by
[Mailtrack](#)

[Quoted text hidden]



Jamie Shelton <jeshelton595@gmail.com>

Working Capital

Jamie Shelton <jeshelton595@gmail.com>
To: Mark Snyder <mark.snyder@bizlender.com>

Fri, Feb 11, 2022 at 11:13 AM

You should forward my email to your company's management to work this issue out prior to litigation being filed in Bucks County, PA.

[Quoted text hidden]

EXHIBIT 4



Jamie Shelton <jeshelton595@gmail.com>

Bizlender Andrew

2 messages

Andrew White <andrew.white@bizlender.com>
To: jeshelton595@gmail.com

Wed, Mar 30, 2022 at 5:28 PM

Hello Shelton

Thank you for the time on the phone just now. As per the conversation, Below please find more information about our programs.

As direct funders with all in-house underwriters, our formulas have proven to be successful in helping businesses increase their revenue.

We design our programs for businesses to be able to expand their operations while supporting our payback program without over-leveraging their performance.

These are some of our main capital features:

- **We base our approvals on the most current performance of the business' last 3 months' bank account activity and can potentially fund within 1-2 business days.**
- **We don't require any collateral nor personal guarantees and we don't have any restrictions on our capital.**
- **We need at least 60% of the business ownership majority represented on the application for us to provide options.**
- **Our terms are 3-18 months with daily, weekly, or bi-weekly payment options depending on how the business model qualifies.**
- **Our price per dollar in our Factor Rates ranges from the teens up to 0.45 cents per dollar depending on how the business model scores with our in-house underwriters.**
- **If the approval amount is too much, it can work like a line of credit where you pay the rate only on the portion alone you choose to utilize.**
- **The Factor Rate cost of our capital is a tax write-off for the business expenses the following year.**
- **We do have early payment discounts depending on how early you pay off completely and never penalize at all for early payments in full.**

In order for my in-house underwriters to provide exact term and rate options for your consideration, the items below are necessary:

- **Last 3 Business Checking Account Statements.**
- **DocuSign Application (sent upon request) fully completed, dated, and signed.**
- **Last two Credit Card Merchant Statements. (If CC Processor) .**

If you have any questions or concerns about our funding process, please don't hesitate to let me know right away.

Sincerely Andrew White

--

Andrew White
Sr Funding Specialist, BizLender



(855) 433-8641 | Ext 750 // Fax (267) 590-2641 // **Direct Line 201-547-1810**
| andrew.white@bizlender.com
www.bizlender.com
3220 Tillman Drive Suite 200 | Bensalem, PA 19020



IMPORTANT: The contents of this email and any attachments are confidential. They are intended for the named recipient(s) only. If you have received this email by mistake, please notify the sender immediately and do not disclose the contents to anyone or make copies thereof.

Andrew White <andrew.white@bizlender.com>
To: jeshelton595@gmail.com

Mon, Apr 4, 2022 at 5:40 PM

Subject: Bizlender Andrew Documents Review
From: **Andrew White** <andrew.white@bizlender.com>
Date: Wed, Mar 30, 2022 at 5:28 PM

To: <jeshelton595@gmail.com>

Hello Shelton

Thank you for the time on the phone just now. As per the conversation, Below please find more information about our programs.

As direct funders with all in-house underwriters, our formulas have proven to be successful in helping businesses increase their revenue.

We design our programs for businesses to be able to expand their operations while supporting our payback program without over-leveraging their performance.

In order for my in-house underwriters to provide exact term and rate options for your consideration, the items below are necessary:

- **Last 3 Business Checking Account Statements.**
- **DocuSign Application (sent upon request) fully completed, dated, and signed.**
- **Last two Credit Card Merchant Statements. (If CC Processor) .**

If you have any questions or concerns about our funding process, please don't hesitate to let me know right away.

Sincerely Andrew White

[Quoted text hidden]

PRESS

STATES
SERVICE

Retail



P

US POSTAGE PAID

\$8.95

Origin: 92109
04/09/22
0567370109-9

PRIORITY MAIL 2-DAY®

0 Lb 13.20 Oz

1023

EXPECTED DELIVERY DAY: 04/12/22

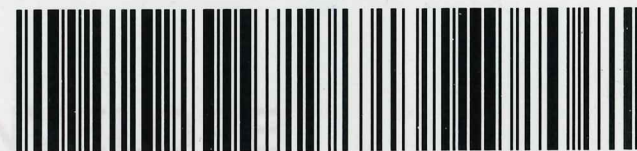
APR 12 2022

C019

SHIP
TO:

601 MARKET ST
RM 2609
PHILADELPHIA PA 19106-1732

USPS TRACKING® #



9505 5163 3461 2099 9807 62

FLAT RATE
ONE RATE ■ ANY WEIGHT

TRACKED ■



PS00001000014

EP14F May 2020
OD: 12 1/2 x 9 1/2



USPS.COM/PICKUP

PRESS FIRMLY TO SEAL

PRIORITY MAIL
FLAT RATE ENVELOPE
POSTAGE REQUIRED

FROM: James Everett Shelton
316 Covered Bridge Rd
King of Prussia PA 19406

TO: Clerk U.S. District Court
EDPA
601 Market Street
Room 2609
Philadelphia, PA 19106

